



Town of Shelburne

51 Bridge St. Shelburne MA 01370

Local Septic Regulations

Approved by CPHS Oversight Board on 2/22/2024
Adopted by the Board of Health 5/15/24

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- 1.) Authority:** These regulations are enacted by the Shelburne Board of Health under the authority which includes but is not limited to one or more of the following: MGL Ch. 21A, section 13; Ch. 111, sections 31, 122, 187, 188; 310 CMR 11.02 (Title 1), and 310 CMR 15.000 (Title 5).
 - 2.) Purpose:** These Regulations of the Shelburne Board of Health are enacted for the purpose of protection of the citizens of the Town of Shelburne and also the protection of the environment. As a minimum code, Title 5 is incomplete and ambiguous in certain specifications and silent on other topics. Accordingly, local Board of Health regulations are necessary to assure more complete protection from sewage overflow to the ground surface, which is a source of filth and disease, and also to assure more complete protection from potential pollution of ground water, wells, surface waters, wetland complexes, and certain geologic and water-bearing deposits. Local regulations are also necessary for purposes of efficient administration and management, as well as for additional guidance in the process of construction and repair of septic systems. These regulations do not conflict with Title 5, but rather complement them, and provide additional guidance and protection.

Many rural areas in Franklin County rely upon on-site subsurface sewage disposal systems for the majority of disposal of sewage in their Town. Many residents derive 100% of their water supply from ground water, which supplies both the public water systems and individual on-site wells.
 - 3.) Relationship to 310 CMR 15.00, Title 5 of the Environmental Code:** These regulations must be read together with 310 CMR 15.000 (Title 5), which contains many other provisions and requirements relevant to onsite sewage disposal systems. The provisions of Title 5 shall govern, except where more stringent standards are set by these regulations. A request for a variance to any section of these regulations shall follow the process and standards of review as outlined in 310 CMR 15.400.
 - 4.) Effluent Filters:** A septic tank outlet filter approved by DEP shall be installed on all new septic tanks whether for new construction or upgrade of an existing system. If an existing tank is to be used in a repaired system, an effluent filter shall be installed or retro-fitted, and if tank access and construction do not allow, a separate effluent filter chamber shall be utilized in the treatment train.
 - 5.) Speed Levelers:** All distribution boxes receiving gravity flow shall be equipped with “speed levelers” or equivalent devices to facilitate adjustment in order to maintain equal distribution. Distribution boxes and piping shall be leveled prior to installation of speed levelers.
 - 6.) Septic Tanks & Pump Chambers:** All septic tanks, tight tanks, pump chambers, and grease traps constructed with field-assembled seams more than 12” below the top, shall be tested for water tightness,

either by hydraulic methods or by the application of a vacuum. Additional methods may be approved by the Shelburne Board of Health upon review. Written evidence of tank certification shall be included as part of the as-built plan submission. Two-Compartment septic tanks are required for all installations, unless approved otherwise in writing by the Shelburne Board of Health as a permit condition.

7.) System Access for Inspection, Maintenance, and Repair: Septic tanks, tight tanks, grease traps, pump chambers, or distribution boxes shall be provided with accesses to within 6 inches or less of finished grade. All soil absorption systems shall have a minimum of one (1) inspection port consisting of a vertical 4" diameter perforated pipe extending from the bottom of the system to within 3 inches of finished grade, with a screw type cap. All system components, including the inspection port, shall be marked with magnetic marking tape or a comparable means in order to locate them once buried. All access and inspection ports shall be shown on the as-built plan, with recoverable ties.

Septic Tanks and pump chambers shall be located to be accessible to septage pumping equipment. Unless otherwise approved by the Shelburne Board of Health, they shall be within 100 feet horizontally and 15 feet vertically of a driveway, street, or other all-weather truck access.

8.) Title 5 Inspections:

A.) All Title 5 system inspections under 310 CMR 15.301 shall be witnessed by a member of the Shelburne Board of Health or its agent. If inspection shows distribution box outlets not to be level, corrective action shall be taken immediately by installation of "speed levelers" or other measures as approved by the Shelburne Board of Health witness.

B.) Dwellings or systems subject to inspection under 310 CMR 15.301 that are not currently occupied or have not been receiving normal flows prior to the inspection shall be identified as "Needs Further Evaluation by the Local Approving Authority" on the Inspection Certification. Such "dormant" systems shall not be certified as a "Pass" until approximately 6-months of normal flows have been passing through the system, and the system has been subjected to a re-inspection. The Board of Health shall then make a determination based upon the results of the initial inspection and the subsequent re-inspection. This requirement shall not conflict with the requirements of 15.301(1).

C.) The Board of Health shall not sign-off on any Building Permit application subject to the requirements of 15.301(5) until the proper system inspection report has been submitted to the Board for review. This includes any change in the type of establishment, increase in design flow (calculated or actual), or any expansion of use of the facility served for which a building permit or occupancy permit from the Shelburne building inspector is required.

D.) All private well water quality testing shall comply with the Private Well Regulations for Shelburne. Any private well not tested for water quality in accordance with the Private Well Regulations for Shelburne will result in a "Conditional Pass" on the Title 5 Inspection Report until such water quality test is done and provided to the Shelburne Board of Health and the Cooperative Public Health Service.

9.) System Components: For new construction, all system components for an on-lot treatment and disposal system shall be located on the same lot served by the system, which shall be the same lot that generates the sewage effluent.

10.) Location of System Components: The Shelburne Board of Health shall not sign-off on a building permit that includes the creation of an additional bedroom(s) within the dwelling, any addition to the building footprint, or the excavation of the exterior yard areas adjacent to the dwelling until the

Board has been satisfied that the system is properly sized for the projected flows and that all system components have been located and field identified to preclude damage or encroachment during any construction activities.

11.) Fees: The Shelburne Board of Health may assess fees for permits, licenses, inspections, and oversight services issued or performed by the Board or its representatives in the execution of its responsibilities. A schedule of fees shall be maintained by the Shelburne Board of Health and may be amended from time to time by vote of the Board at a regularly called meeting.

12.) Severability: If any section, paragraph, sentence, clause or phrase of these regulations shall be deemed invalid by a court of competent jurisdiction, such decision shall not affect the remaining provisions of these regulations, which shall remain in full force and effect and, to this end, the provisions of these regulations are hereby declared severable.

13.) Enforcement: This regulation shall be enforced by the Shelburne Board of Health and/or its designated agent(s). Any citizen who desires to register a complaint pursuant to the regulation may do so by contacting the Shelburne Board of Health. Any person who shall fail to comply with this regulation or any order issued pursuant to the provisions of this regulation, shall upon conviction be fined not less than \$10 nor more than \$1000 for each offence or violation. Each day any violation exists shall be deemed a separate offense. Each day's failure to comply with an order shall constitute a separate violation.

If you have questions, please feel free to email or call the Cooperative Public Health Service as Agents to the Shelburne Board of Health:

Health Agents
Office:

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CPHSoffice@frcog.org

413-774-3167 x106 or x201
x142